

**AGENDA**  
**Resource Conservation Commission**  
**Chula Vista, California**

Monday, May 9, 2011  
4:00 pm

Executive Conference Room 103, Building 100  
276 Fourth Avenue

**CALL MEETING TO ORDER**

**ROLL CALL:** Chair Stillman, Vice Chair Rahimzadeh, Commissioners Coleman, Cory, and Davis

**MOTION TO EXCUSE:** None

**APPROVAL OF MINUTES:** April 25, 2011

**ORAL COMMUNICATIONS:** An opportunity for members of the public to speak to the Resource Conservation Commission on any subject matter within the Commission's jurisdiction but not an item on today's agenda. Each speaker's presentation may not exceed three minutes.

**ACTION ITEMS**

1. Electrical Generating Facilities (EGF) – General Plan and Zoning Ordinance Amendments –  
Advanced Planning Manager Ed Batchelder and Senior Planner Stan Donn

Action: That the Resource Conservation Commission recommend City Council adoption of the new Electrical Generating Facilities Policy and related General Plan/Zoning Ordinance Amendments

**INFORMATION ITEMS**

1. RCC Action Plan Discussion – Brendan Reed & Lynn France

**FUTURE TO DO LIST**

**DIRECTOR COMMENTS**

**CHAIR COMMENTS**

Resignation of Commissioner Ross

**COMMISSIONER COMMENTS**

**ADJOURNMENT:** To a regular meeting on Monday, May 23, 2011 in Council Chambers at 276 Fourth Avenue, Chula Vista CA 91910.

**COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Chula Vista requests individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service, contact the City Council Office at (619) 691-5044 at least forty-eight hours in advance of the meeting.

**MINUTES OF A REGULAR MEETING OF THE  
RESOURCE CONSERVATION COMMISSION**

**April 25, 2011**

City of Chula Vista, Executive Conference Room 103, Building 300  
276 Fourth Avenue

**MEETING CALLED TO ORDER:** By Vice Chair Rahimzadeh at 4:00 pm

**ROLL CALL:**

**MEMBERS PRESENT:** Chair Stillman, Vice Chair Rahimzadeh, Commissioners Coleman, Cory, Davis, and Ross

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Public Works Director Hopkins, Environmental Resource Manager Reed, Environmental Resource Program Manager France, Fleet Manager Dorsey, Open Space Manager Sirois, Land Surveyor Gomez, Public Works Manager Ripley, Recycling Specialist Medrano, and Sr. Secretary Fields

**OTHERS PRESENT:** None

**MOTION TO EXCUSE:** None

**APPROVAL OF MINUTES:** The Minutes of March 28, 2011 were approved.

**ORAL COMMUNICATIONS:** Recycling Specialist Manuel Medrano announced a Prescription Drug collection event happening at Scripps Hospital on April 30<sup>th</sup>.

**INFORMATION ITEMS**

1. Public Works Department Municipal Fleet Management Presentation

Fleet Manager Steve Dorsey discussed City vehicles, bio-diesel tanks, operating procedures, and contracted fleet vehicles. He also talked about current and future efforts in these areas. He then responded to questions from the board.

2. Public Works Department Open Space & Urban Forestry Presentation

Open Space Manager Paul Sirois' presentation focused on landscaped parkways, medians and slopes, future efforts of irrigated landscapes, current and future efforts involving canyons, and landscape inspection. He additionally discussed the current efforts of Urban Forestry.

### 3. Public Works Department Pavement Management Presentation

Land Surveyor Jose Gomez presented information on the division's commitment, law, pavement condition index, deterioration curve, repair methods, and the division's current and future efforts. Upon completion, he responded to questions and comments from the board.

Public Works Manager Tim Ripley continued the presentation with a discussion on the following topics:

- Purpose and functions of the street maintenance section
- Non-core tasks
- Number of miles of pavement infrastructure
- Staffing levels vs. pavement miles
- Repair procedures
- Time and response goals
- Future plans

#### **ACTION ITEMS:**

None

#### **FUTURE TO DO LIST**

None

#### **DIRECTOR COMMENTS**

Director Hopkins and Environmental Resource Manager Reed mentioned that Councilmember Bensoussan had been invited to accept a grant awarded to the City from ICLEI as a result of their Green Business Challenge initiative to encourage businesses to "green" their operations. Chula Vista was one of four businesses out of forty to be selected.

#### **CHAIR COMMENTS**

None

#### **COMMISSIONER COMMENTS**

None

**ADJOURNMENT:** The meeting was adjourned at 6:25 p.m. to a regular meeting on Monday, May 9, 2011, at 4:00 pm in Executive Conference Room 103, Building 300, 276 Fourth Avenue, Chula Vista, CA 91910.

Prepared by:

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Sheryl Fields  
Sr. Secretary



# MEMORANDUM

## DEVELOPMENT SERVICES DEPARTMENT

**Date:** May 3, 2011

**To:** Resource Conservation Commission

**From:** Stan Donn, AICP, Senior Planner  
Ed Batchelder, Advance Planning Manager

**Subject:** May 9, 2011 Meeting Item Requesting Recommendations on Electrical Generating Facilities (EGFs) Documents

Per Council direction in February 2010, staff in conjunction with an EGF Working Group has prepared documents that if adopted will establish requirements and regulations for the siting of EGFs within the City of Chula Vista. The need for the requirements and regulations stems from discussions in 2008/09 surrounding the MMC peaking power plant proposal in south Chula Vista. Through those discussions it became evident that the City's current policies were not sufficiently clear, and that desired and needed local siting regulations and requirements were lacking. The documents present a 3-part system and include proposed amendments to the General Plan and Zoning Ordinance, and a new Council Policy on Electrical Generating Facilities.

Staff requests that the RCC review these Draft documents and provide feedback and recommendation to the City Council. We anticipate presenting the proposed documents to the Planning Commission in June, and the City Council in July, 2011.

Following is an overview of the proposed amendments and new Council Policy included in the noted Attachments.

### General Plan (Attachment 1):

The proposed amendments to the General Plan involve the following

- Revision to the general description for the Limited Industrial (LI) land use designation in Section 4.9.5 of the Land Use and Transportation (LUT) Element, to clarify that certain public utility uses can and do occur on LI designated lands.
- Revision to the general description for the Public and Quasi Public (PQP) land use designation in Section 4.9.6 of LUT Element to (1) conform the format to those of the other descriptions, and (2) clarify that certain public utility uses can and do occur on PQP designated lands.
- Revision to Environmental Element (EE) Policy 6.4 regarding EGF siting to clarify that a minimum 1000ft separation is needed between baseload or peaking type EGFs and sensitive receptors (e.g. residential areas, schools, hospitals, child care centers, etc.).

- Revision to EE Policy 23.3 to clarify not siting industrial facilities and uses that pose significant hazards to human health in proximity schools or residential.
- A new Policy 7.8 of the Environmental Element ensuring new construction complies with local energy efficiency measures. This is a clean-up item based on recent changes to State guidelines for General Plans, and is not directly related to the EGF amendments. Since we are already amending the General Plan, staff is simply taking the opportunity to include this clean-up as well.

Zoning Ordinance (Attachment 2):

The proposed amendments to Chula Vista Municipal Code Title 19 (Zoning Ordinance) involve the following:

- Chapter 19.04 (Definitions); adds section 19.04.089 listing “Electrical generating facilities” as a defined term, along with definitions for five distinct sub-types. Today EGFs come in a range of forms that vary from traditional notion of “power plants”. Defining the five types allows for the establishment of appropriate, tailored regulations.
- Adds the term “Public” to existing definition 19.04.190 to make it Public/Quasi public, and enhances the definition by providing a more descriptive list of PQP type land uses, including certain types of EGFs.
- Revises Section 19.22.020 (Residential Estates (RE)) zone permitted uses, to add Residential-Level EGFs subject to associated siting criteria.
- Revises Section 19.24.020 (Single Family Residence (R1)) zone permitted uses, to add Residential-Level EGFs subject to associated siting criteria.
- Revises Section 19.26.020 (One- and Two-Family Residence (R2)) zone permitted uses, to add Residential-Level EGFs subject to associated siting criteria.
- Revises Section 19.28.040 (Apartment Residential (R3)) zone conditional uses, to allow only Private and Backup & Emergency type EGFs subject to associated siting criteria and a Conditional Use Permit.
- Revises Section 19.30.040 (Administrative and Professional Office (CO)) zone conditional uses, to allow only Private and Back up & Emergency type EGFs subject to associated siting criteria and a Conditional Use Permit.
- Revises Section 19.34.030 (Neighborhood Commercial (CN)) zone conditional uses, to allow only Private and Back up & Emergency type EGFs subject to associated siting criteria and a Conditional Use Permit.

- Revises Section 19.36.030 (Central Commercial (CC)) zone conditional uses, to allow only Private and Back up & Emergency type EGFs subject to associated siting criteria and a Conditional Use Permit.
- Revises Section 19.38.030 (Visitor Commercial (CV)) zone conditional uses, to allow only Private and Back up & Emergency type EGFs subject to associated siting criteria and a Conditional Use Permit.
- Revises Section 19.40.030 (Thoroughfare Commercial (CT)) zone conditional uses, to allow only Private and Back up & Emergency type EGFs subject to associated siting criteria and a Conditional Use Permit.
- Revises Section 19.44.030 (Limited Industrial (IL)) zone conditional uses, to allow Baseload, Peaking, Private and Back up & Emergency type EGFs, subject to associated siting criteria and a Conditional Use Permit.
- Revises Chapter 19.46 (General Industrial (I)) zone Section 19.46.020 to remove Electrical generating plants as a use permitted by right; and revises Section 19.46.040 to allow Baseload, Peaking, Private and Back up & Emergency type EGFs as a conditional use, subject to associated siting criteria and a Conditional Use Permit.
- Revises Chapter 19.47 (Public/Quasi Public (PQ)) zone Section 19.47.010 - Purpose, to provide a more descriptive list of typical PQ type facilities and uses, including certain types of EGFs; and revises Section 19.47.040- Conditional uses, to allow Baseload, Peaking, Private and Back up & Emergency type EGFs, subject to associated siting criteria and a Conditional Use Permit.
- Revises Chapter 19.48 (Planned Community (PC)) zone to add Section 19.48.151 to allow certain types of EGFs within planned community areas dependant upon the type of land use designation (residential, commercial, industrial, public/quasi-public). They are subject to the same criteria noted for other similar zones above, and would require a Conditional Use Permit with the exception of Residential-Level EGFs which would be permitted subject to specific requirements in noted local and state codes.
- Revises Chapter 19.58 – Uses, to add Section 19.58.142 – Electrical generating facilities, to provide standards for siting and establishment of each of the five types of EGFs. The standards include the requirement that EGFs must also be found to be in compliance with the new Council Policy on EGF siting. The Uses section and the Policy comprise the core of the siting and performance requirements developed by staff and the EGF Working Group.

EGF Policy and associated tables (Attachment 3):

A new Council Policy is proposed to provide guidance and specifications for the siting of all types of Electrical Generating Facilities (EGFs), and the associated reduction of Greenhouse Gas emissions via offset requirements within the City of Chula Vista. As noted above, the EGF Policy is tied to the Zoning Ordinance requirements, and serves as a comprehensive set of guidelines and performance standards for EGF siting. Consistent with typical Council policy format, the Policy contains Background and Purpose sections, along with Policy provisions that include definitions, EGF siting criteria, and emissions offset requirements. Following is an overview of the main aspects of each section:

Background –

- Acknowledges relationships to the siting authority of the California Energy Commission (CEC) involving EGFs of 50 megawatts or larger, and the City's for those less than 50 megawatts.
- Notes the Council directive from February 2010 to develop policies and regulations for EGF siting within the City.

Purpose –

- Notes the relationship of the policy to protecting public health and safety while ensuring that the City does its fair share to provide for energy needs and reliability in an environmentally appropriate manner.
- Recognizes the City's commitment to transitioning to a less dependent fossil fuel burning energy future in an economically and environmentally sustainable manner.
- Indicates that the Policy's requirements are in addition to the requirements of any federal, state or other permitting agency's requirements or mitigations.

Policy -

- Clarifies that the General Plan policies, zoning code standards and this Policy constitute the Local Ordinances, Regulations and Standards (LORS) that the City will use for reviewing EGFs, and that are referenced in State law when the CEC is the permitting authority.
- Includes definitions for 25 terms that are used in the Policy and accompanying siting criteria tables for the various types of EGFs.
- Establishes Siting Criteria for each of the five major types of EGFs, and with regard to the four types of fuels that could be used. Accompanying Tables A – E present the criteria for each of the five types of EGFs (A – Baseload; B – Peaking; C – Private; D – Backup; E – Residential-level). The criteria for each type encompass:
  - Operational Provisions- general operating characteristics expected.
  - Distances to Sensitive Receptors- minimum separation requirements between the EGF and land uses that are most susceptible to health risks from EGF air emissions.
  - Zones- the zoning districts in which that type of EGF may be located.

- Performance Criteria- primarily regard facility technology, equipment and emissions offsets.
- Cumulative Considerations- address modeling analyses and public notification requirements.

Emissions Offset Calculations and Administration of the Energy Conservation Fund -

- Requires that any Greenhouse Gas (GHG) emissions that are not already captured by the EGF's equipment or emissions offsets required by other federal, state or local agencies, must be offset through implementation of local projects that produce equivalent or greater GHG offsets.
- GHG emission calculations will be based on maximum number of operating hours as established by the facility's regulatory permit and The Climate Registry/CARB's reporting methodologies.
- Two (2) methods would be available to project proponents for providing offsets for their uncaptured GHG emissions. The first option is contributing to the City's Energy Conservation Fund which will comprise a menu of offset projects (at municipal facilities and in the community), their GHG reduction amounts, and their full implementation costs. The second option is that the applicant provides their own projects, which are ultimately reviewed by and deemed acceptable to the City.
- Back-up and emergency generators using diesel will have to offset their GHG emissions at a 120% rate.

Requested Action

Staff requests that the RCC recommend that the City Council adopt the proposed revisions to the General Plan and Zoning Ordinance, and the new Electrical Generating Facilities Policy.

Feel free to contact Stan Donn at 619-409-5953 if you have any questions about the document package.

Attachments:

1. Proposed General Plan Amendments
2. Proposed Zoning Ordinance Amendments
3. Proposed new Council Policy and associated tables – Electrical Generating Facilities



**PROPOSED CHULA VISTA GENERAL PLAN AMENDMENTS  
GPA 10-04**

**LAND USE AND TRANSPORTATION ELEMENT**

**4.9.5 Industrial Category**

Three industrial land use designations provide opportunities in the City to conduct research and development: manufacturing; warehousing; and limited automotive-related endeavors.

**Limited Industrial**

The Limited Industrial designation is intended for light manufacturing; warehousing; certain public utilities; auto repair; auto salvage yards; and flexible-use projects that combine these uses with associated office space. The FAR for this category ranges from 0.25 to 0.5.

**4.9.6 Public and Quasi-Public, Parks, and Open Space**

The following land use designations are provided to identify various lands used for public, quasipublic, recreation/parks, and open space uses.

**Public and Quasi-Public**

The Public and Quasi-Public designation is intended for schools; churches; hospitals; civic centers; fire stations; libraries; landfills; public utilities and other similar public uses. When PQ or other Public Facilities symbol is used alone, or within a floating bubble on the Land Use Diagram, it indicates the possible location of a future facility.

**ENVIRONMENTAL ELEMENT**

E 6.4 Do not site fossil-fueled baseload or peaking-type Electrical Generating Facilities within 1,000 feet of sensitive receptors, or site sensitive receptors within 1,000 feet of such facilities.

E 7.8 Ensure that residential and non-residential construction complies with all applicable City of Chula Vista energy efficiency measures and other green building measures that are in effect at the time of discretionary permit review and approval or building permit issuance, whichever is applicable.

E 23.3 Do not site industrial facilities and uses that pose a significant hazard to human health and safety in proximity to schools or residential dwellings.

## **Draft Zoning Ordinance Revisions regarding Electrical Generating Facilities (EGFs)**

### **Chapter 19.04 DEFINITIONS**

#### **Sections:**

#### **19.04.089 Electrical generating facilities:**

- A. Base load facility
- B. Peaking facility
- C. Private facility
- D. Back up & Emergency facility
- E. Residential-level facility

#### **19.04.190 Public/Quasi-public.**

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#### **19.04.089 Electrical generating facilities.**

“Electrical generating facilities” is a collective term of reference for each of the following individually defined sub-types:

##### **A. Base Load Facility**

A “Base Load Facility” means an electrical generating facility that is intended to run constantly at near capacity levels. This sub-type includes generating facilities that transmit electricity over transmission or distribution power lines using the public right of way and investor-owned utility transmission corridors right of way. Base Load Facilities serve multiple meters beyond the immediate contiguous parcels on which the facility is located.

##### **B. Peaking Facility**

A “Peaking Facility” means an electrical generating facility that is used to produce extra electricity during peak load times and is permitted to operate not more than 4,000 hours per year. This sub-type includes generating facilities that transmit electricity over transmission or distribution power lines using the public right of way and investor-owned utility transmission corridors. Peaking Facilities serve multiple meters beyond the immediate contiguous parcels on which the facility is located.

##### **C. Private Facility**

A “Private Facility” means an electrical generating facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose function is the provision of electricity to the permitted use(s) on a single or adjoining parcel(s) on which the facility is located or serves. The associated power load shall be up to 25 mega watts, or as determined by applicable State or other codes. A Private Facility can include District Heat & Power, and Combined Heat & Power types as defined in the City’s Electrical Generating Facilities (EGF) Policy.

#### **D. Backup and Emergency Facility**

A "Backup and Emergency Facility" means an electrical generating facility that is operated only during the interruption of electrical service from the distribution system or transmission grid due to circumstances beyond the operator's control.

#### **E. Residential-Level Facility**

A "Residential-Level Facility" means an electrical generating facility whose function is the provision of electricity to serve an individual private residential dwelling unit(s).

#### **19.04.190 Public/Quasi-public.**

"Public/Quasi-public" means used as public or seemingly public. For the purposes of this title, electrical substations, electrical generating facilities as defined in CVMC 19.04.089(A), (B), (C) and (D) only, water or wastewater treatment and storage facilities, education, civic, government offices, or other municipal, public agency or utility facilities, and others as listed in CVMC 19.47 shall be considered public/quasi-public uses, of a public service type.

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### **Chapter 19.22 R-E – RESIDENTIAL ESTATES ZONE Amended Ord. 3153**

#### **19.22.020 Permitted uses.**

Principal permitted uses in the R-E zone include:

- A. One single-family detached dwelling on each lot or parcel;
- B. Crop and tree farming.

C. Residential-level Electrical Generating Facilities, as defined in CVMC 19.04.089(E), and subject to the provisions in CVMC 19.58.142.

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### **Chapter 19.24 R-1 – SINGLE-FAMILY RESIDENCE ZONE Amended Ord. 3153**

#### **19.24.020 Permitted uses.**

Principal permitted uses in the R-1 zone include:

- A. One single-family dwelling on any lot;
- B. Factory-built home/mobilehome on any lot, subject to the provisions of CVMC 19.58.145 and 19.58.330;
- C. All portions of the dwelling, factory-built home or mobilehome used for living or sleeping purposes shall be attached by common walls;
- D. Large family day care homes, subject to the provisions of CVMC 19.58.147.

E. Residential-level Electrical Generating Facilities, as defined in CVMC 19.04.089(E), and subject to the provisions in CVMC 19.58.142.

**Chapter 19.26**  
**R-2 – ONE- AND TWO-FAMILY RESIDENCE ZONE Amended Ord. 3153**

**19.26.020 Permitted uses.**

The following are the principal permitted uses in an R-2 zone:

- A. One single-family dwelling on any lot;
  - B. One duplex or two-family dwelling on any lot;
  - C. Attached single-family dwelling units;
  - D. Dwelling groups, subject to the provisions of CVMC 19.58.130;
  - E. Other accessory uses and accessory buildings customarily appurtenant to a permitted use, subject to the requirements of CVMC 19.58.020;
  - F. Agricultural uses as provided in CVMC 19.16.030.
  - G. Residential-level Electrical Generating Facilities, as defined in CVMC 19.04.089(E), and subject to the provisions in CVMC 19.58.142.
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**Chapter 19.28**  
**R-3 – APARTMENT RESIDENTIAL ZONE Amended Ord. 3153**

**19.28.040 Conditional uses.**

The following uses shall be permitted in the R-3 zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

- A. Boarding or lodginghouses;
- B. Except in R-3-T, day nurseries;
- C. Except in R-3-T, incidental services, such as restaurants and retail sales to serve residents; provided, there is no exterior display or advertising and such activities are conducted in spaces which are integral parts of a main building;
- D. Commercial parking garages and off-street parking lots, in accordance with the provisions of CVMC 19.62.010 through 19.62.130;
- E. Small family day care homes, as defined in CVMC 19.04.095;
- F. Private, noncommercial recreational facilities, such as swimming pools, tennis courts, and clubhouses (for additional provisions, see CVMC 19.58.100 and 19.58.270);

G. Professional offices (for additional provisions, see CVMC 19.58.244);

H. Large family day care homes, as defined in CVMC 19.04.094, within a single-family dwelling.

The following uses shall be permitted in the R-3 zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

I. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

J. Unclassified uses, see Chapter 19.54 CVMC.

K. Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D), and subject to the provisions in CVMC 19.58.142.

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### **Chapter 19.30**

#### **C-O – ADMINISTRATIVE AND PROFESSIONAL OFFICE ZONE Amended Ord. 3153**

##### **19.30.040 Conditional uses.**

The following uses shall be permitted in the C-O zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. R-3 residential uses, as regulated therein;

B. Public and quasi-public uses appropriate to the district, such as professional, business and technical schools of a public service type, but not including corporation yards, storage or repair yards and warehouses;

C. Day nurseries, schools and studios for arts and crafts and photography, music, dance and art galleries, in accordance with the provisions of CVMC 19.58.220;

D. Commercial parking lots and parking garages, in accordance with the provisions of CVMC 19.62.010 through 19.62.130;

E. Radio and television broadcasting, excluding towers;

F. Restaurants;

G. Plant nurseries and the sale of related hardware items; provided, they are clearly incidental and secondary to the plant nursery. Plant nurseries shall be allowed only on the peripheral areas of the C-O zone, so as not to disrupt the continuity of the professional and administrative office land uses;

H. Roof-mounted satellite dishes, subject to the following standards or conditions:

1. These dishes shall be screened, using appropriate matching architectural materials or parapet walls;
2. Dishes shall be of a neutral color, matching the building or as otherwise approved by the City;
3. A building permit shall be required;
4. No advertising material shall be allowed on the satellite dish antenna. Satellite dish antennas containing advertising material shall be considered signs;

I. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the C-O zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

J. Electric substations and gas regulators, subject to the provisions of CVMC 19.58.140;

K. Unclassified uses, see Chapter 19.54 CVMC.

L. Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.

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## Chapter 19.34 C-N – NEIGHBORHOOD COMMERCIAL ZONE Amended Ord. 3153

### 19.34.030 Conditional uses.

The following uses shall be permitted in the C-N zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

- A. Automobile service stations, in accordance with the provisions of CVMC 19.58.280;
- B. Sale of beer or other alcoholic beverages for consumption on the premises only where the sale is incidental with the sale of food;
- C. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
- D. Recycling collection centers, subject to the provisions of CVMC 19.58.345;
- E. Automated, drive-through car washes, in accordance with the provisions of CVMC 19.58.060;
- F. Establishments contained in the list of permitted uses above, but which include the sale of alcoholic beverages for off-site use or consumption, including any new facilities and any facilities which expand the area devoted to alcohol sales or which require the issuance of a type of alcoholic beverage license by the State Alcohol Beverage Control different from the license previously held, in accordance with the procedures in CVMC 19.58.340;

G. Liquor store (package, off-sale only), in accordance with the procedures in CVMC 19.58.340;

H. Drive-through restaurants, those fast food facilities offering drive-through lanes in which food is both ordered and picked up from the vehicle, and taken off-site for consumption; but not including "drive-in" restaurants, those at which food is ordered from and consumed in the parked car on the premises.

The following uses shall be permitted in the C-N zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

I. Electrical substations and gas regulator stations, subject to the provisions of CVMC 19.58.140;

J. Unclassified uses, see Chapter 19.54 CVMC.

K. Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.

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### **Chapter 19.36**

### **C-C – CENTRAL COMMERCIAL ZONE Amended Ord. 3153**

#### **19.36.030 Conditional uses.**

The following uses shall be permitted in the C-C zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. Car washes, subject to the provisions of CVMC 19.58.060;

B. Automobile rental and towing services;

C. Social and fraternal organizations (nonprofit), subject to the provisions of CVMC 19.58.100;

D. Trailer rentals;

E. Veterinarian clinics, subject to the provisions of CVMC 19.58.050;

F. Automobile service stations, subject to the provisions of CVMC 19.58.280, and automobile maintenance and repair (minor);

G. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;

H. Recycling collection centers, subject to the provisions of CVMC 19.58.345;

I. Mixed commercial-residential projects, subject to the provisions of CVMC 19.58.205.

The following uses shall be permitted in the C-C zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

J. Skating rinks, subject to the conditions of CVMC 19.58.040;

K. Billiard parlors subject to the provisions of CVMC 19.58.040;

L. Bowling alleys, subject to the provisions of CVMC 19.58.040;

M. Cardrooms;

N. Bars, cocktail lounges and night clubs subject to the provisions of CVMC 19.58.075. Businesses with dance floors are also subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC.

O. Restaurants with dance floors or areas designated for live entertainment. Businesses with dance floors are also subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC. Businesses with areas set aside for live entertainment are also subject to the provisions of Chapter 9.13 CVMC.

P. Unclassified uses, see Chapter 19.54 CVMC.

Q. Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D) only, and subject to the standards set forth in CVMC 19.58.142

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### **Chapter 19.38**

#### **C-V – VISITOR COMMERCIAL ZONE Amended Ord. 3153**

##### **19.38.030 Conditional uses.**

The following uses shall be permitted in the C-V zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. Car washes, subject to the provisions of CVMC 19.58.060;

B. Automobile service stations and towing services, subject to the provisions of CVMC 19.58.280;

C. Bait and tackle shops, including marine sales, supplies and rentals;

D. Commercial parking lots and parking garages, subject to the provisions of CVMC 19.62.010 through 19.62.130;

E. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;

F. Recycling collection centers, subject to the provisions of CVMC 19.58.345.



The following uses shall be permitted in the C-V zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

G. Bars or night clubs (dance floors subject to the provisions of CVMC 19.58.115 and Chapter 5.26 CVMC);

H. Commercial recreation facilities, subject to the conditions of CVMC 19.58.040, as follows:

1. Bowling alley,

2. Miniature golf course,

3. Billiard hall,

4. Skating rink;

I. Public stables, subject to the provisions of CVMC 19.58.310;

J. Unclassified uses, see Chapter 19.54 CVMC.

K. Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.

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#### **Chapter 19.40**

#### **C-T – THOROUGHFARE COMMERCIAL ZONE Amended Ord. 3153**

##### **19.40.030 Conditional uses.**

The following uses shall be permitted in the C-T zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. Used car lots and motorcycle sales and repair, subject to the provisions of CVMC 19.58.070;

B. Trailer and equipment sales and rental establishments and towing service;

C. Automobile service stations, garages for major and minor repairs, as defined herein, and car-washing establishments, subject to the provisions of CVMC 19.58.060 and 19.58.280;

D. Carpenter, electrical, plumbing or heating shops;

E. Building material sales yards, not including concrete mixing;

F. Automobile storage, contractor's equipment storage yards, or storage, sale and rental of equipment commonly used by contractors;

G. Bait and tackle shops;

H. Lumberyards;

I. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;

J. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the C-T zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

K. Drive-in theaters, subject to the provisions of CVMC 19.58.120; and provided, that the screen shall be so located and designed that it is not visible from adjacent thoroughfares, and said screen shall be set back not less than 100 feet from any street or thoroughfare;

L. Dancehalls, subject to the provisions of CVMC 19.58.040;

M. Commercial recreation facilities (outdoor);

N. Automobile paint and body shops;

O. Wholesale bakeries;

P. Laundries, except industrial, and cleaning and dyeing plants;

Q. Radiator repair shops;

R. Truck and trailer service, including major repair;

S. Cardrooms;

T. Unclassified uses, see Chapter 19.54 CVMC.

U. Electrical Generating Facilities, as defined in CVMC 19.04.089(C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.

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**Chapter 19.44**  
**I-L – LIMITED INDUSTRIAL ZONE**  
**Sections:**

**19.44.040 Conditional uses.**

The following uses shall be permitted in the I-L zone; provided, a conditional use permit is issued in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. Service stations, subject to the conditions in CVMC 19.58.280;

B. Restaurants, delicatessens and similar uses;

- C. Major auto repair, engine rebuilding and paint shops;
  - D. Commercial parking lots and garages;
  - E. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
  - F. Recycling collection centers; subject to the provisions of CVMC 19.58.345;
  - G. Brewing or distilling of liquors requiring a Type 23 Alcoholic Beverage Control license.  
The following uses shall be permitted in the I-L zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation for projects within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:
  - H. Machine shops and sheet metal shops;
  - I. Steel fabrication;
  - J. Plastics and other synthetics manufacturing;
  - K. Drive-in theaters; subject to the conditions of CVMC 19.58.120;
  - L. Trucking yards, terminals and distributing operations;
  - M. The retail sale of such bulky items as furniture, carpets and other similar items;
  - N. Retail distribution centers and manufacturers' outlets which require extensive floor areas for the storage and display of merchandise, and the high-volume, warehouse-type sale of goods and retail uses which are related to and supportive of existing, on-site retail distribution centers of manufacturers' outlets;
  - O. Unclassified uses, as set forth in Chapter 19.54 CVMC;
  - P. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the City Council subsequent to its receipt of recommendations thereon from the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B).
  - Q. Electrical Generating Facilities, as defined in CVMC 19.04.089(A) (B) (C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.
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**Chapter 19.46**  
**I – GENERAL INDUSTRIAL ZONE**  
**Sections:**

**19.46.020 Permitted uses.**

Permitted uses in an I zone are as follows:

- A. Any manufacturing, processing, assembling, research, wholesale, or storage uses except as hereinafter modified;
- B. Automobile and metal appliance manufacturing and assembly, structural steel fabricating shops and machine shops;
- C. Brick or pottery manufacturing and stone or monument works;

- D. Trucking yards, terminals, and distributing operations;
- E. ~~Electrical generating plants and~~ Liquefied natural gas plants;
- F. Temporary tract signs, subject to the provisions of CVMC 19.58.320 and 19.60.600(E)(2);\*
- G. Any other use which is determined by the Commission to be of the same general character as the above uses.

\* Code reviser's note: This section amended to conform with provisions of Ord. 1575, 1974.

**19.46.040 Conditional uses.**

The following uses shall be permitted in the I zone; provided, a conditional use permit is issued by the Zoning Administrator in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

- A. Motels;
- B. Restaurants;
- C. Service stations, subject to the provisions of CVMC 19.58.280;
- D. Roof-mounted satellite dishes, subject to the standards set forth in CVMC 19.30.040;
- E. Recycling collection centers, subject to the provisions of CVMC 19.58.345.

The following uses shall be permitted in the I zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

- F. The retail sale of such bulky items as furniture, carpets and other similar items;
- G. Retail distribution centers and manufacturers' outlets which require extensive floor areas for the storage and display of merchandise, and the high-volume, warehouse-type sale of goods and retail uses which are related to, and supportive of, existing on-site retail distribution centers or manufacturers' outlets;
- H. Brewing or distilling of liquor, or perfume manufacturing;
- I. Meat packing;
- J. Large-scale bleaching, cleaning and dyeing establishments;
- K. Railroad yards and freight stations;
- L. Forges and foundries;
- M. Automobile salvage and wrecking operations, and industrial metal and waste rag, glass or paper salvage operations; provided, that all operations are conducted within a solid screen not less than eight feet high, and that materials stored are not piled higher than said screen;
- N. Auctions of vehicles, heavy machinery and equipment, subject to the provisions of CVMC 19.58.055, and only where the P precise plan modifier has been applied to the general industrial I zone;
- O. Unclassified uses, as set forth in Chapter 19.54 CVMC;
- P. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the City Council subsequent to its receipt of recommendations thereon from the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B).

Q. Electrical Generating Facilities, as defined in CVMC 19.04.089(A) (B) (C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.

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**Chapter 19.47**  
**P-Q – PUBLIC/QUASI-PUBLIC ZONE**  
**Sections:**

**19.47.010 Purpose.**

The purpose of the public/quasi-public zone is to provide a zone with uses in appropriate locations which are maintained by public or publicly controlled agencies such as municipal and/or county agencies, civic, government offices, education, school districts, utility facilities, and utility companies (e.g., water, gas, electricity, etc.), including, but not limited to, uses such as the county landfill, electrical generation and transmission, water and wastewater treatment and storage facilities, and various water reservoir sites. The regulations of this district also provide for the appropriate closure of existing landfill sites. (Ord. 3153 § 2 (Exh. A), 2010; Ord. 2672, 1996).

**19.47.040 Conditional uses.**

The following uses shall be permitted in the P-Q zone; provided, a conditional use permit is issued by the Zoning Administrator in accordance with the provisions of CVMC 19.14.030(A) or 19.14.040, as may be applicable, and CVMC 19.14.050 through 19.14.090:

A. Cellular facilities;

B. Recycling collection centers, subject to the provisions of recycling collection centers standards in CVMC 19.58.345.

The following uses shall be permitted in the P-Q zone; provided, a conditional use permit is issued by the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, or for unclassified uses as defined in CVMC 19.54.020:

C. Land reclamation projects;

D. Fire stations;

E. Post offices;

F. Sanitary landfills, unless excepted by CVMC 19.47.100;

G. Schools;

H. Utility substations;

I. Golf driving ranges, with or without lighting;

J. Unclassified uses, as provided in Chapter 19.54 CVMC;

K. Hazardous waste facilities, subject to the provisions of CVMC 19.58.178. Conditional use permit applications for the establishment of hazardous waste facilities shall be considered by the City Council subsequent to its receipt of recommendations thereon from the Planning Commission, or Chula Vista Redevelopment Corporation if located within a designated redevelopment project area, in accordance with CVMC 19.14.070(B); and

L. Electrical Generating Facilities, as defined in CVMC 19.04.089(A) (B) (C) and (D) only, and subject to the standards set forth in CVMC 19.58.142.

#### **19.47.060 Siting standards.**

The following standards shall govern the siting of facilities in the public/quasi-public zone:

A. All solid waste management operations within the P-Q zone shall comply with all applicable federal, state, and local regulations, including regulations of the State Water Resources Control Board, the California Waste Management Board, and the Department of Health Services.

B. The distance from the site to the nearest residential structure shall be in compliance with all of the state minimum standards for solid waste management. The distance of such sites to residences shall be sufficient to permit adequate control of noise levels, odor nuisances, traffic congestion, litter nuisances and vectors.

C. All electrical generating facilities within the P-Q zone shall comply with the requirements of CVMC 19.58.142, and all applicable federal, regional, and local regulations.

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### **Chapter 19.48 P-C – PLANNED COMMUNITY ZONE**

#### **19.48.151 Electrical Generating Facilities**

Electrical generating facilities within the P-C zone shall comply with the requirements of CVMC 19.58.142 dependent upon the type of EGF and the type of land use district/zone in which it is located, and all applicable federal, regional, and local regulations. Residential-Level Electrical Generating Facilities are permitted within Residential zones, as defined in CVMC 19.04.089(E). Private and Back Up and Emergency Electrical Generating Facilities are permitted within Commercial and Mixed-Use zones are permitted with a conditional use permit, as defined in CVMC 19.04.089(C) and (D) only. Baseload, Peaking, Private, and Back Up and Emergency Electrical Generating Facilities are permitted within Public/Quasi-Public, Limited Industrial and Industrial zones with a conditional use permit, as defined in CVMC 19.04.089(A) (B) (C) and (D) only.

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### **Chapter 19.58 USES**

#### **Sections:**

19.58.142 Electrical generating facilities

**19.58.142 Electrical generating facilities.**

- A. The purpose of this section is to provide standards for the siting and establishment of the various sub-types of electrical generating facilities in any zones in which they are permitted subject to issuance of a conditional use permit, except for Residential-Level Facilities. Any of the electrical generating facility sub-types to be permitted must be found to be in compliance with the following standards and the City's "Electrical Generating Facilities Policy," as applicable to the particular sub-type, as well as any other local, regional, state and federal standards that are otherwise applicable to the facility.
- B. For the purposes of this section, electrical generating facility includes the following sub-types of power facilities which are further defined in CVMC 19.04.089: Base Load Facility; Peaking Facility; Private Facility; Back Up & Emergency Facility; and Residential-Level Facility.
- C. The siting and establishment of a Base Load Facility shall be subject to the following standards:
1. The facility shall be limited to Natural Gas or Non-Fossil Fueled. Nuclear plants are prohibited as defined by the City's "Electrical Generating Facilities Policy."
  2. The facility shall be a minimum of 1,000 feet from only the following specifically identified sensitive receptors: residential communities, schools, hospitals, nursing homes or elder care facilities, residential care facilities, and child care centers as defined by the City's "Electrical Generating Facilities Policy."
  3. The facility shall utilize the best available control technology and state-of-the-art emissions technology as defined by the City's "Electrical Generating Facilities Policy."
  4. The facility shall have an executed contract with the local utility or City for power use within the local Investor Owned Utility (e.g. SDG&E) service territory or City as defined by the City's "Electrical Generating Facilities Policy."
  5. The applicant must have obtained required certification from the local, state or federal regulatory agencies.
  6. All buildings and equipment shall be required to observe the same site development standards and requirements applicable to the specific zone in which the facility is located, unless otherwise excepted pursuant to CVMC 19.16.040.
  7. The property shall be surrounded by a solid fence or walls not less than six feet in height consistent with the provisions of CVMC 19.58.150 and 19.58.360.
  8. In combination with landscaping, berming and/or other treatments, the facility shall be designed to sufficiently screen the use and reduce to the maximum extent practicable visual affects to nearby properties.
  9. The applicant shall demonstrate that any noise, dust, vibrations, and odors associated with the project are in compliance with the requirements of CVMC 19.66.
  10. The sound pressure levels generated by all equipment and uses shall not exceed the applicable decibel levels pursuant to CVMC Chapter 19.68.
  11. The facility shall conform to the provisions for fuel types, offsets, performance criteria, and cumulative considerations as stipulated in the City's "Electrical Generating Facilities Policy."
  12. All development shall be subject to site plan and architectural approval through the Director of Development Services.
  13. Conditional use permits shall be reviewed every five years to ensure that the facility is operating in compliance with the required standards, and that upgrades to the best available technology have been or need to be made. The applicant or successor shall fund the conditional use permit review in accordance with the City's latest Fee Schedule.

- D. The siting and establishment of a Peaking Facility shall be subject to the following standards:
1. The standards prescribed in CVMC 19.58.142(C) 1-13 above.
- E. The siting and establishment of a Private Facility shall be subject to the following standards:
1. The standards prescribed in CVMC 19.58.142(C) 3, 8-13 above.
  2. Minimum distance from sensitive receptors shall be determined pursuant to the City's "Electrical Generating Facilities Policy."
  3. The facility shall be located within a fully enclosed structure.
- F. The siting and establishment of a Back Up & Emergency Facility shall be subject to the following standards:
1. The standards prescribed in CVMC 19.58.142(E) 1-2 above.
- G. The siting and establishment of a Residential-Level Facility shall be subject to and governed by California Electrical Code Chapters 6 and 7, California Mechanical Code Chapters 15 and 16; and Chula Vista Municipal Code Chapter 15. A Residential-Level Facility is not subject to a conditional use permit.



**COUNCIL POLICY  
CITY OF CHULA VISTA**

**SUBJECT: Electrical Generating Facilities (EGFs)**

**(DRAFT)**

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**DATED:**

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**BACKGROUND**

The Legislature established the California Energy Commission (CEC) (formally called the State Energy Resources Conservation and Development Commission) in 1975 and mandated a comprehensive siting process for new power plants. The City understands that the Legislature gave the CEC the statutory authority to license thermal power plants of 50 megawatts (Mw) or greater along with the transmission lines, fuel supply lines, and related facilities to serve them. The City further understands that it has principal responsibility for reviewing applications, carrying out or approving projects for power generation facilities that are less than 50 Megawatts.

Pursuant to Council directive, in February 2010, the Development Services and the Conservation and Environmental Services Departments formed a working group (consisting of members of the public who were involved with the General Plan Update, Environmental and Open Space subcommittee) in order to develop policies and regulations for evaluating the siting of future Electrical Generating Facilities (EGFs) within the City. Through the coordinated efforts of the EGF working group, General Plan policies and Zoning Ordinance provisions were updated and crafted in order to provide the Council, administrators and the public with clear guidance and regulations for siting EGFs within the City.

**PURPOSE**

To protect the public health and safety while ensuring that the City does its fair share to provide for the region's long term energy reliability through the siting of EGFs in an expeditious, safe and environmentally appropriate manner. The EGF Policy (Policy) provides guidelines for making decisions regarding local EGF sitings that are consistent with the intent and spirit of an open, transparent and inclusive public process. The Policy also recognizes the City's commitment to transitioning to a less dependent fossil fuel burning (carbon-based) future in an economically and environmentally sustainable manner. The requirements of this Policy are in addition to the requirements of any federal, state, or other permitting Agency's requirements or mitigations for future EGF sitings or the upgrade of existing EGFs within the City.

**POLICY**

The General Plan, implementing codes and this Policy constitute the Local Ordinances, Regulations and Standards (LORS) that the City will use for reviewing proposed EGFs under 50 Mw and that the CEC, other state and federal agencies will look to when considering EGFs of 50 Mw or larger within the City.

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The Policy is to be utilized in conjunction with Chapter 19 and Sections 19.04, 19.22, 19.24, 19.26, 19.28, 19.30, 19.34, 19.36, 19.38, 19.40, 19.44, 19.46, 19.47, 19.48, and 19.58 of the Chula Vista Municipal Code (CVMC) in evaluating future EGFs siting within the City. The Policy presents requirements and standards for siting and operation of various types and sizes of EGFs, with regard to fuel types, distances to sensitive receptors, emissions offsets, performance criteria, and cumulative considerations.

A. Definitions: The following definitions are terms that are associated with EGFs, and used in the Policy and/or reflected in Chapter 19 of the CVMC as listed above.

1. Best Available Control Technology (BACT): A pollution control standard mandated by the United States Clean Air Act. The U.S. Environmental Protection Agency (EPA) determines what air pollution control technology will be used to control a specific pollutant to a specified limit. *(When a BACT is determined, factors such as energy consumption, total source emission, regional environmental impact, and economic costs are taken into account. It is the current EPA standard for all polluting sources that fall under the New Source Review guidelines and is determined on a case-by-case basis).*
2. Best Available Technology (State of the art): The concept of updating and employing BACT improvements when they are commercially practicable.
3. Bio-fuels: Any fuel that is obtained from a renewable biological resource.
4. Black out: An uncontrolled loss of electricity, generally associated with one or more geographic areas connected to a transformer, generator or other part of the distribution or transmission system.
5. Brown out: A controlled loss of electricity for a geographic area.
6. Combined Cycle Technology: A type of generation that increase the efficiency of fossil fuel consumption by capturing and reusing waste heat from one turbine to fuel another generation source. The waste heat may also be used to provide heating or cooling that would offset additional energy requirements.
7. Criteria Pollutants: National Ambient Air Quality Standards for six common air pollutants: Ozone, Particulate Matter, Carbon Monoxide, Nitrogen Oxides, Sulfur Dioxide and Lead required by the EPA in accordance with the Clean Air Act
8. District Heating and Cooling: A system for supplying heating and/or cooling services from a centralized location for commercial and residential purposes in more than one parcel, usually from an efficient source such as an adjacent Combined Cycle facility.
9. Distributed Generation: The technology of using small-scale power generation

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- technologies located in close proximity to the load being served and typically employed to improve power quality and reliability, reduce dependence on large scale generation, transmission and the associated impacts.
10. Electricity Grid: An interconnected network for delivering electricity from suppliers to consumers, which is made up of long range transmission lines, local distribution lines and the substations that provide interconnection, voltage regulation and emergency controls.
  11. Emissions Modeling (Air Dispersion Model): A method or protocol for estimating the volume and location of air emissions impacts from a potential source.
  12. Emissions Offsets: A practice, structure, or funded program that reduces the pollution generated by a source by a comparable amount.
  13. Energy Conservation Fund (Offset Fund): A dedicated account held in trust by the City of Chula Vista Finance Director/Treasurer for the purposes of funding emission offset that meet the goals and objectives established by the Chula Vista City Council.
  14. Fuel Cell: An electrochemical cell that produces electricity by oxidation of fuel such as hydrogen and oxygen or zinc and air.
  15. Geo-Thermal: Power extracted from heat stored in the earth.
  16. Greenhouse Gas (GHG): A gas in the atmosphere that absorbs and emits radiation within the thermal infrared range. GHG is a collective term for those gases which reduce the loss of heat from the earth's atmosphere, and thus contribute to global warming and climate change. The greenhouse gases most commonly used in calculations of global warming potential include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).
  17. Local Service Territory: The geographic area that San Diego Gas & Electric (SDG&E) provides electricity and natural gas services to residential, commercial and industrial consumers.
  18. Nuclear: The use of nuclear fusion or fission to generate electricity.
  19. Particulate Matter: Air pollution that is a complex mixture of very tiny solid or liquid particles composed of chemicals, soot, and dust and which are generally categorized as 10 microns or less in size.
  20. Petroleum/Fossil Fuel: Gaseous, liquid, and solid hydrocarbons that are burned to generate electricity, heat or other sources of power.
  21. Renewable Resources: The generation of electricity, heat or cooling that does not require the combustion of fossil fuels or nuclear materials such as solar, wind, small hydro-electric facilities, geothermal and fuel cells.

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22. Sensitive Receptors: are those segments of the population most susceptible to poor air quality including children, the elderly, and those with pre-existing serious health problems affected by air quality. Land uses associated with sensitive receptors are: residentially designated or zoned communities with existing or planned residential dwellings, schools, child care centers, hospitals, nursing homes, elder care and residential care facilities that provide daily long-term care.
23. Small Hydro-Electric: The development and use of up to 10Mw of hydro-electric power to serve one industrial plant or small community.
24. Toxic Emissions: Toxic emissions are pollutants that cause or may cause cancer or other serious health problems, such as reproductive effects or birth defects, or adverse environmental and ecological effects. Under Section 112 (Title 1 Part A) of the federal Clean Air Act, the U.S. Environmental Protection Agency (EPA) has identified 187 hazardous air pollutants which are outlined in a federally published list.
25. Uncaptured Greenhouse Gases: The percentage of greenhouse gases that are not already offset by complementary air quality mitigation standards and requirements.

**B. EGFs Siting Criteria:**

Table(s) A through E in Exhibit 1 present requirements and standards for the siting and operation of each of the five types of EGFs with regard to fuels, operational provisions, distances to sensitive receptors, applicable zones, performance criteria, and cumulative considerations. The Table(s) are to be utilized by staff in conjunction with Chapter 19 of the CVMC (as listed on page 1 of this Policy) in evaluating future EGF applications for the CEC LORS process, or local Conditional Use Permits as applicable.

Users should first refer to the appropriate Table(s) for the type of EGF (A: Baseload; B: Peaking; C: Private; D: Backup; and E: Residential-level). Within that table the user should next find the column for which of the four fuel types are applicable to the proposed EGF. Each fuel type column for the respective EGF lists the siting and operational provisions which must be met. The following is a brief summary of the criteria and provisions:

1. Operational provisions are general operational characteristics expected of the EGF (however some operational characteristics are required);
2. Distances to sensitive receptors consider minimum separation between the

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respective EGF and constituents or land uses that are more susceptible to health risk from the air pollutants generated by the EGF;

3. Zones indicate the appropriate zoning districts in which the EGF may be located;
4. Performance Criteria primarily regard facility technology and equipment and emissions offsets; and
5. Cumulative Considerations address modeling analyses and public notification requirements.

In instances where the fuel type is not allowed or practicable for the particular EGF, the respective fuel type column is designated as such or grayed out.

**C. Emissions Offsets Calculation and Administration of the Energy Conservation Fund:**

Emissions from the respective EGF may result in GHG emissions that are not already captured by the EGF's equipment or emissions offset required by other federal, state or local regulatory standards. Pursuant to the Performance Criteria contained within the Table(s), the applicant must offset that increment of uncaptured GHG emissions.

**1. Uncaptured GHG Determination**

The applicant must calculate the EGF's total GHG emissions, including Uncaptured GHG output, using The Climate Registry's GHG Protocol or a California Air Resources Board (CARB) equivalent based on the maximum number of operating hours established by the facility's regulatory permit. Upon determination of the amount of Uncaptured GHG, the applicant shall provide offset mitigation as listed below, and deemed acceptable by the City. The determination of the adequacy of the mitigation project shall be made by the City and shall be final.

**2. Offset Mitigation Options & GHG Values**

- a. The applicant must fund GHG offsets equivalent to the Uncaptured GHG output through one or a combination of the following: 1) contribute to the City's Energy Conservation Fund based on selecting from the City's list of GHG reduction projects and their full implementation costs as further described in section 3 below; or 2) provide their own project(s) which produce equivalent or greater GHG offsets within the City of Chula Vista.

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- b. The applicant for back up and emergency EGFs shall contribute to the City's Energy Conservation Fund. The contribution amount for diesel burning EGFs shall be based on a GHG reduction offset rate of 120%.
- c. A minimum of 75% of required GHG reductions must be accomplished through direct fossil fuel burning/particulate reductions. Not more than 25% of the GHG reductions may be met through other GHG offset project types as defined in the City's Energy Conservation Fund. All offset projects must be within the City of Chula Vista.
- d. When selecting their own projects or City projects, the applicant shall fund those projects as necessary in order to provide the required offsets. The sufficiency of funding shall be determined or reviewed by, and deemed acceptable to the City.

**3. Energy Conservation Fund (ECF or Fund) and Calculation**

The Energy Conservation Fund is a City-managed fund to implement energy, water, and fuel efficiency projects as well as renewable energy projects. The Fund accomplishes these goals by assisting municipal operations, residents, businesses, social services, schools, and not-for-profit agencies in reducing GHG and improving local air quality. The type of projects which could be supported by the Fund include, but are not limited to, energy and water efficiency retrofits, solar hot water and solar photovoltaic installations, electric vehicle home chargers, alternative fuel vehicle rebates, public transportation passes, and shade tree plantings.

The dollar amount of required payment to the ECF shall be calculated based on the actual cost to implement selected offset projects including City administration costs.

**4. Administration of Energy Conservation Fund**

The City is solely responsible for the review of proposed GHG offset calculations, and administering the offset projects that it deems appropriate. The duration and amount of the offset project shall be developed by the City and presented to the Resource Conservation Commission and City Council as part of the annual budget process.